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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,733	12/27/2000	Matthias Weiss	A33890-066340.0126	6347
21003	7590	12/08/2003	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HARKNESS, CHARLES A	
			ART UNIT	PAPER NUMBER
			2183	
DATE MAILED: 12/08/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/750,733

Applicant(s)

WEISS ET AL. 

Examiner

Charles A Harkness

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Papers Submitted***

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Priority Claim as received on 02/27/01; Specification and Claim Amendments as received on 04/16/01; and Information Disclosure Statement as received on 10/15/02.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The applicant or their representatives are urged to review the specification and submit corrections for all mistakes of a grammatical, clerical, or typographical nature.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Cmelik et al., U.S. Patent Number 6,031,992 (herein referred to as Cmelik).

5. Referring to claim 4 Cmelik has taught the improvement wherein instruction word parts corresponding to data-stationary commands are assembled as complex words in a complex word sequence, identified by a complex word pointer and stored in a complex word table at a location corresponding to said pointer (Cmelik column 9 lines 51-65), wherein said complex word

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pointers are provided as program words corresponding to said data-stationary commands (Cmelik figure 8, column 19 line 31-column 20 line 4; the address of the sequence that was already been translated as the branch address for the particular condition controlling the branch; wherein data-stationary commands is interpreted from page 2 in the specification as a command that does not have definite information by what route a processor is to execute the command, and this is taught since Cmelik teaches multiple units for memory, integer and fp commands), and wherein upon encountering said complex word pointers in said program words during execution, said complex words are read from said complex word table and stored in parallel in said secondary instruction word memory (Cmelik column 19 line 31-column 20 line 54).

6. Referring to claim 5 Cmelik has taught wherein said complex words further include assignments for storage of said complex words in said secondary instruction word memory (Cmelik figure 7, column 15 line 21-column 16 line 34; as shown in the figure, once the words are translated they are added to the buffer so that they can be used again without translating them again, and they would require some address or index in the buffer).

7. Referring to claim 6 Cmelik has taught wherein said secondary instruction word memory is operated in a fixed sequence (Cmelik figure 7, column 15 line 21-column 16 line 34; since the reordering and scheduling are done before the instructions are stored in the buffer, the instructions are simply executed in order that they are stored).

8. Referring to claim 7 Cmelik has taught the improvement wherein there is provided a memory for storing instruction word parts corresponding to data-stationary commands, said instruction word parts being stored at a location corresponding to a complex word pointer corresponding to a data-stationary command (Cmelik column 9 lines 51-65), and wherein said

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memory is arranged to transfer said complex word parts to said buffer memory in parallel to execute a data-stationary command (Cmelik figure 8, column 19 line 31-column 20 line 4; the address of the sequence that was already been translated as the branch address for the particular condition controlling the branch; wherein data-stationary commands is interpreted from page 2 in the specification as a command that does not have definite information by what route a processor is to execute the command, and this is taught since Cmelik teaches multiple units for memory, integer and fp commands; as shown in figure 6c the commands are sent to the corresponding execution units in parallel).

9. Referring to claim 8 Cmelik has taught further having an execution memory wherein instruction word sequences are stored in the form of program words, and wherein there is provided a configuration processor for storing said complex word pointers as program words in said execution memory for data-stationary commands (Cmelik figure 7, column 15 line 21-column 16 line 34; as shown in the figure, once the words are translated they are added to the buffer so that they can be used again without translating them again, and they would require some address or index in the buffer; the commands are in the form of program words).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

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Pechanek et al., U.S. Patent Number 6,173,389, has taught methods and an apparatus for VLIW sub-instruction selection for execution time parallelism in an indirect VLIW processor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A Harkness whose telephone number is 703-305-7579. The examiner can normally be reached on 8:00 A.M. – 5:30 P.M. with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on 703-305-9712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

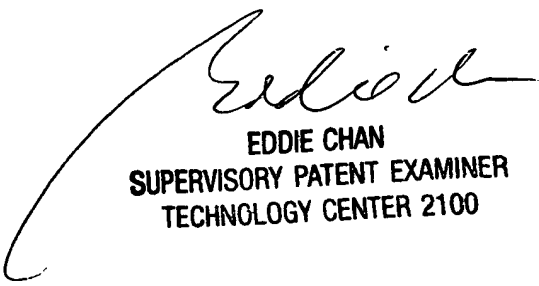
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7579.

Charles Allen Harkness

Patent Examiner

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December 1, 2003



**EDDIE CHAN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**